

## **Fact Sheet on Obtaining Data and Instructions for Completing a Request for Obtaining Data from Maine’s CVR – October, 2021 Version**

Title 21-A, (Elections), §196-A, governs the use and distribution of information from Maine’s Central Voter Registration (CVR) system. Section 196-A was amended by the Public Laws of 2021, c. 310, which went into effect on October 18, 2021.

Under this law, information contained electronically in the CVR and any information or reports generated by the system are confidential, and may be accessed only by state election officials or municipal election officials for the purposes of election and voter registration administration, except as otherwise provided in Title 21-A §196-A and detailed in # 2 below.

### **Completing the Request Form**

Reports or data from CVR are available for the approved uses (detailed in # 2 below) upon submission of the completed *Request for Obtaining Data from Maine CVR – October, 2021 Version* form and payment of the applicable fee to the office described in # 1 below.

1. **Request submitted to** – Request form must be typed or completed in ink and submitted to the Maine Secretary of State (Division of Elections) or to the office of a Municipal Clerk or Registrar of Voters.
2. **Individual or entity obtaining data from CVR for permitted uses under 21-A MRS §196-A(1):**
  - A. **Individual Voter Report** – §196-A(1)(A) – Available to the voter requesting the voter’s own data. The requestor must provide voter name and date of birth. Available only as a printed, free report.
  - B. **Party/Campaign Use Voter File** – §196-A(1)(B) – Available for party activities, candidate and issue campaigns, “get-out-the-vote” activities related directly to a campaign, and to individuals elected or appointed to and currently serving in a municipal, county, state or federal office, but for use only for the official’s authorized activities, not to turn over to another entity. Contains the following data: voter’s name, residence & mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change, voter record #, voter participation history and special designations (UOCAVA and/or township). The electronic file has a per record fee; the printed, paper equivalent – the Alpha Voting List – has a per page fee.

Candidates must specify name and office. Persons or entities requesting the data for issue campaigns or get-out-the-vote activities related directly to a candidate or issue campaign must list the candidate or the specific Maine ballot issue or currently circulating petition effort and the specific time span or dates.

- For purposes of this law, “**candidate**” is defined in 21-A MRS §1(5), to include any person who has filed a petition for nomination under 21-A MRS §§335, 336, 354 or 355 and has qualified as a candidate by either procedure, or any person who has received contributions or made expenditures or has given consent for any other person to receive contributions or make expenditures with the intent of qualifying as a candidate.
- For purposes of this law, “**campaign**” is defined in 21-A MRS §1052 (1), to include activities relating to the promotion or defeat of a citizen’s initiative or people’s veto referendum, a constitutional amendment, legislation expressly conditioned upon ratification by a referendum vote under the Constitution, the ratification of bonds, and any county or municipal referendum.

The requestor must specify the enrollment status, electoral districts, and Voter Participation History (VPH) requested. VPH data, if requested, is free with the purchase of voter data in **electronic format** under this section of 196-A; however, it is provided in a separate file from the voter data. VPH obtained in **printed form** has a per page fee. VPH is the report of voter record #s for voters who participated in one or more elections. The requestor may select **up to 2 elections** and must specify the elections for VPH by the date and name of the election (e.g., November 3, 2020 General Election). Requests for VPH for any State election may be made to an individual municipality for that municipality’s data, or to the Secretary of State (Division of Elections) for statewide or district-wide data. State Election law requires all municipalities to assign the VPH for each voter for any State election. Municipalities may assign municipal election VPH at their discretion – it is not required by law. Requests for VPH for any municipal election must be made directly to the municipality.

**Voter File Update Request** – Available only when a Party/Campaign Use Voter File has been purchased. The requestor is entitled to up to 11 free updates, upon written request, during the 12-month period following the initial purchase of voter records **so long as the requestor remains eligible under §196-A(2)(B) to obtain/use CVR data**. No more than one update may be obtained during any 30-day period. The requestor may specify any additional Voter Participation History requested. The update may be in the form of (1) additions, deletions, and changes to the purchased list, or (2) a full replacement file.

- C. Biennial Caucus Voter File** – §196-A(1)(C) – The free, electronic voter file in a municipality, obtained by the chair or secretary of the municipal committee or person(s) calling the biennial caucus, for use in conducting the caucus. Contains the following data: voter’s name, residence & mailing address, enrollment status, electoral districts, voter status, voter record #, special designations (UOCAVA and/or township). This list is available after January 1<sup>st</sup> of each even-numbered year. Only 1 copy may be obtained in a 2-year period. The requestor must specify if the request is for municipality-wide data (available from the municipality), or statewide/countywide data (available from the Secretary of State’s Office). Statewide data is available only to the state party. **The Caucus File includes all voters regardless of enrollment** – persons not currently enrolled in the party may enroll to participate in the caucus.
- D. Absentee Voter File or Report** – §196-A(1)(D) – Any person can request the file or report of absentee voters, which is the list of voters who requested an absentee ballot for a specific election. **The Absentee Voter File or Report is available only for individual municipalities and statewide, not district-wide.** Municipalities are required to enter absentee ballot information for any State election. The list includes the following information (required by 21-A MRS §753-B): voter’s name, residence address, (**NOTE – voter’s name & address are replaced by voter id # in the electronic file**), voting districts, party affiliation, date & manner of ballot requested, issued & received, notation of application or ballot accepted or rejected, and special designations (UOCAVA and/or township). The electronic file is free. The paper report has a per page fee and is available only at the municipal level. The requestor must specify the date and name of the election for the List of Absentee Voters (e.g., November 3, 2020 General Election). The electronic text file is posted on the Secretary of State’s website after each election at: <http://www.maine.gov/sos/cec/elec/data/index.html>.
- E. Governmental Use Voter File** – §196-A(1)(E) – Governmental or quasi-governmental entities may request this file for governmental or quasi-governmental use only. Contains the following data: voter’s name, residence & mailing address, electoral districts, voter status, date of registration, date of change, voter record #, and special designations (UOCAVA and/or township). Free electronic file.
- F. Voter Demographics File** – §196-A(1)(F) – Available only from the Secretary of State’s Office. The requestor must specify that the file will contain either the voter’s first name or last name. Contains: either voter’s first or last name, year of birth, enrollment status, congressional district, county, voter status, date of registration, date of change, date of last vote in a statewide election, special designations (UOCAVA and/or township). Free electronic file.

**Statistical Information** – Any person can request free statistical data/reports. There is no data on a statistical report which identifies a specific voter. The requestor must choose from the list of reports:

- **Registered & Enrolled Voters** – # of voters broken down by municipality, party and districts. Available statewide or for a specific municipality.
- **Rejections/Cancellation Summary Report** – a report of the number of voters whose voter registration has been either rejected or cancelled. Includes the reason for rejection or cancellation. Available statewide or for a specific municipality.
- **Municipal Street List** – a list of streets and number ranges in a municipality, broken down by districts. Available only for a specific municipality.

- **Ward/Precinct List** – a list of voting districts/places for a municipality. Available only for a specific municipality.

**G. Law Enforcement** – §196-A(1)(G) – Any information contained in the CVR may be made available free of charge to a law enforcement officer or law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order. **NOTE: There is no need to fill out a request form for law enforcement requests** – a written and signed request on the law enforcement agency’s letterhead is required.

**I. Federal or State Court** - §196-A(1)(H) – Voter information contained in the CVR, except for participants in the Address Confidentiality Program, may be made available free of charge by the Secretary of State to the federal or state court system, for the purpose of jury selection or other bona fide court purposes.

**J. Party/Campaign Use Voter File – For Voter List Maintenance Compliance** - §196-A(1)(J) – **New 10-18-2021.** Voter information available in the statewide Party/Campaign Use Voter File under §196-A(1)(B) may be provided by the Secretary of State to an individual or organization that is evaluating the State’s compliance with its voter list maintenance obligations, under the National Voter Registration Act of 1993. The requestor must make a written request and pay the fee set forth in subsection 2. The data is subject to the use restrictions in §196-A(1)(J) and §196-A(4).

### 3. Medium Requested

**A. §196-A (2)(A) – PDF Report** – The fee for information provided in printed form is \$1 for the first page and 25¢ per page for all additional pages, except that the fee for additional pages **of mailing labels** is 75¢ per page). The requestor must specify a printed report or mailing labels.

**B. §196-A (2)(B) – Electronic File** – Fees (see below) for data in electronic form are based on the number of records requested. Electronic files are saved on digital storage media (i.e. thumb drive). **For confidentiality and security reasons, transfer of data by email is not approved.**

- |  |  |
|--|--|
| • For 900,001 or more records, \$2,200;    | • For 50,001 to 75,000 records, \$182; |
| • For 600,001 to 900,000 records, \$1,650; | • For 35,001 to 50,000 records, \$138; |
| • For 400,001 to 600,000 records, \$1,100; | • For 25,001 to 35,000 records, \$83;  |
| • For 250,001 to 400,000 records, \$825;   | • For 15,001 to 25,000 records, \$55;  |
| • For 150,001 to 250,000 records, \$550;   | • For 7,501 to 15,000 records, \$33;   |
| • For 100,001 to 150,000 records, \$275;   | • For 1,001 to 7,500 records, \$22; or |
| • For 75,001 to 100,000 records, \$220;    | • For 1 to 1,000 records, \$11.        |

**Note:** Electronic data is provided in **pipe-delimited** format and may be imported into Excel or similar spreadsheet applications by the individual or entity requesting the data. Municipal Clerks and Registrars **are not authorized** to conduct the data parsing of any electronic files for requestors. It is the requestor’s responsibility to convert the text file.

**4. Arrangements for Payment** – all fees are expected to be paid prior to the release of any data either in paper or electronic format.

- For requests sent to the Secretary of State’s Office – Checks should be made payable either to the Treasurer of State or the Secretary of State. Credit cards may be used also – information is obtained over the phone by CVR staff. Contact the Secretary of State’s Office for total cost.
- For requests sent to a municipality – check with the Municipal Clerk for total cost.

5. **Requestor Information** – The requestor must provide contact information and sign the Request Form.

**NOTE: By signing the Request Form, the requestor acknowledges the restrictions on use and redistribution of data, as provided in §196-A, sub-§§ 1 and 4 (see item #8 below for more information).** Information obtained from the CVR may not be used for any commercial purpose or for solicitation of any kind not directly related to activities of a political party, so-called “get out the vote” efforts directly related to a campaign or other activities directly related to a campaign. Selling or distributing the information to others to use for commercial purposes and making publicly available the dates of birth or mailing addresses of individual voters is prohibited.

6. **Request Fulfillment Schedule** – §196-A (3) – Municipal Clerks and Registrars, and the Secretary of State’s Office, shall respond to all requests for information within 5 business days of receipt of the completed request form and payment of any applicable fees. Municipal election officials may provide data and reports on their own voters only. State election officials may provide data and reports on voters by municipality, state districts or statewide.

7. **Send Request To**

- For requests sent to the Secretary of State’s Office: (1) Mailing Address – CVR Manager, 101 State House Station, Augusta, ME 04333-0101; (2) Fax – 287-6545; (3) Scanned and emailed – [cec.elections@maine.gov](mailto:cec.elections@maine.gov). **Note: emailed forms must contain the requestor’s actual signature, not a typed or computer-generated signature.**
- For requests sent to a municipality: contact the Municipal Clerk for mailing address or fax number.

8. **Restrictions on Use of CVR Data (21-A MRS §196-A, sub-§1, ¶¶B and J and sub-§4**

- **A person obtaining, either directly or indirectly, information from the CVR may not:**
  - Sell, transfer to another person or use the voter information or any part of the voter information for any purpose that is not directly related to:
    - activities of a political party, “get out the vote” efforts directly related to a campaign or other activities directly related to a campaign (sub-§1 ¶ B) or
    - evaluating the State’s compliance with its voter list maintenance obligations (sub-§1 ¶ J)
  - Cause the voter information or any part of the voter information that identifies, or that could be used with other information to identify, a specific voter, including but not limited to a voter’s name, residence address or street address, to be made accessible by the general public on the Internet or through other means. (sub-§1 ¶¶ B and J)
- **Discrimination prohibited.** An individual or organization that accesses or obtains voter information from the CVR system may not use that information or any part of that information to engage in discrimination on the basis of physical or mental disability, race, color, age, sex, sexual orientation, religion, ancestry or national origin, including but not limited to discrimination prohibited by the Maine Human Rights Act and federal civil rights laws. (See §196-A, sub-§4 for the full text of this section.)

9. Civil Penalties for violations of the CVR data use restrictions are set forth in 21-A MRS §196-A, sub-§5, and include fines of up to \$1,000 for a first offense and up to \$5,000 for each subsequent offense. (See §196-A, sub-§5 for the full text of this section.)